

***IN THE DISTRICT COURT OF THE UNITED STATES
for the Western District of New York***

**March 2023 GRAND JURY
(Impaneled 03/24/2023)**

THE UNITED STATES OF AMERICA INDICTMENT

-vs-

**BRIAN ROSENTHAL
(Counts 1, 3, 4)**

Violations:

18 U.S.C. §§ 1591(a), 1591(b)(1),
1594(c), 1001(a)(2), and 4

(4 Counts)

**JOSEPH BARSUK
(Counts 1, 2)**

COUNT 1

(Conspiracy to Commit Sex Trafficking)

The Grand Jury Charges That:

Beginning in or about 2013 and continuing to in or about 2017, the exact dates being unknown to the Grand Jury, in the Western District of New York, and elsewhere, the defendants, **BRIAN ROSENTHAL** and **JOSEPH BARSUK**, did knowingly, willfully, and unlawfully combine, conspire, and agree with others, known and unknown, to knowingly recruit, entice, harbor, transport, provide, obtain, and maintain by any means, in and affecting interstate and foreign commerce, persons, and to benefit, financially and by receiving anything of value, from participation in a venture which has engaged in such acts, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion, and a combination of such means, would be used to cause such persons to engage in a

commercial sex act, in violation of Title 18, United States Code, Sections 1591(a) and 1591(b)(1).

All in violation of Title 18, United States Code, Section 1594(c).

COUNT 2

(Sex Trafficking by Coercion)

The Grand Jury Further Charges That:

Between in or about 2015, and in or about 2017, the exact dates being unknown to the Grand Jury, in the Western District of New York, the defendant, **JOSEPH BARSUK**, did knowingly recruit, entice, harbor, transport, provide, obtain, maintain, patronize, and solicit, by any means, in and affecting interstate commerce, a person, that is, Victim 1, a person known to the Grand Jury, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion, and any combination of such means, would be used to cause Victim 1 to engage in a commercial sex act.

All in violation of Title 18, United States Code, Sections 1591(a)(1) and 1591(b)(1).

COUNT 3

(False Statements to an Agency of the United States)

The Grand Jury Further Charges That:

On or about June 18, 2020, in the Western District of New York, the defendant, **BRIAN ROSENTHAL**, in a matter within the jurisdiction of the executive branch of the United States, did willfully and knowingly make materially false, fictitious, and fraudulent

statements and representations to special agents of the Federal Bureau of Investigation, in that the defendant denied that sex acts ever occurred in the VIP rooms, or any area of Pharaohs Gentlemen's Club, including the upstairs, and denied ever making any observations leading him to believe that any acts of prostitution had occurred at Pharaohs Gentlemen's Club, whereas in truth and in fact, and as the defendant then and there well knew, sex acts had occurred in the VIP rooms and areas in Pharaohs Gentlemen's Club, and the defendant did make observations leading him to believe that acts of prostitution had occurred inside Pharaohs Gentlemen's Club.

All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 4

(Misprision of Felony)

The Grand Jury Charges That:

Beginning in or about 2013, and continuing until on or about June 18, 2020, the exact dates being unknown to the Grand Jury, in the Western District of New York, the defendant, **BRIAN ROSENTHAL**, having knowledge of the actual commission of a felony cognizable by a court of the United States, to wit: (i) sex trafficking conspiracy, in violation of Title 18, United States Code, Section 1594(c); (ii) sex trafficking, in violation of Title 18, United States Code, Sections 1591(a)(1) and 1591(b)(1); and (iii) maintaining a drug-involved premises in violation of Title 21, United States Code, Section 856(a)(1), which felonies occurred at and were committed by individuals at Pharaohs Gentlemen's Club, located at 999 Aero Drive, Cheektowaga, New York, did conceal the same by making false, fraudulent, and fictitious

statements and representations, and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

All in violation of Title 18, United States Code, Section 4.

DATED: Buffalo, New York, September 14, 2023.

TRINI E. ROSS
United States Attorney

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A TRUE BILL:

S/FOREPERSON
FOREPERSON